

EXHIBIT HH

JAMES THEODORE BECK
UNITED STATES vs STATE OF GEORGIA

January 27, 2023

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STATE OF GEORGIA,

Defendants.

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) CIVIL ACTION
) NO. 1:16-cv-03088-ELR
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VIDEOTAPE DEPOSITION OF
JAMES THEODORE BECK

Friday, January 27, 2023, 9:01 a.m., EST

HELD AT:

Robbins Alloy Belinfante Littlefield LLC
500 14th Street, N.W.
Atlanta, Georgia 30318

WANDA L. ROBINSON, CRR, CCR, No. B-1973
Certified Shorthand Reporter/Notary Public

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1 administer capital projects on behalf of the State
2 and essentially serves as the State agency's
3 liaison. Whereas if they don't have that expertise
4 on staff, they're managing it for them.

5 MS. GARDNER: I'd like to ask the court
6 reporter to mark this document as Plaintiff's
7 Exhibit 898.

8 (WHEREUPON, Plaintiff's Exhibit-898 was
9 marked for identification.)

10 BY MS. GARDNER:

11 Q You've been handed Plaintiff's Exhibit
12 898. This is an email from you to Michael Rowland,
13 dated December 1, 2015, with the subject "RE: GNETS
14 Update."

15 The document is Bates-stamped GA00277967.

16 Do you recognize this?

17 A Not specifically.

18 Q Do you have any reason to doubt that you
19 sent this email?

20 A No.

21 Q Who is Michael Rowland?

22 A Mike was the director of the Facilities
23 Team at the start of my tenure.

24 Q And starting with the earliest email in
25 this thread, which Mr. Rowland sent to you on

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1 December 1st, 2015, with copies to Clara Keith,
2 Deborah Gay, Emily Jones, Gregory Snapp, and John
3 Jefferson, correct that in that email Mr. Rowland
4 says: "Ted, I wanted to give you a quick update on
5 the planning we have done for GNETS facilities. I
6 have attached the meeting minutes from our meeting
7 with John Jefferson at GSFIC, along with the
8 facility condition assessment checklist we adopted
9 from another system."

10 Do you see that?

11 A I do.

12 Q And he goes on to explain more about sort
13 of the process of this facility assessment and where
14 the team is in that process, correct?

15 A That appears to be so.

16 Q You then respond to Mr. Rowland and say:
17 "You read my mind - was going to email you this
18 morning to see if we had an update that I can
19 include in our presentation to the Governor next
20 week."

21 Do you see that?

22 A I do.

23 Q You reference "our presentation to the
24 Governor next week." Who is "our"?

25 A Most likely would have been myself, Matt

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1 Q Do you have any reason to doubt that you
2 received this email from Michael Rowland?

3 A I do not.

4 Q And am I correct the first attachment to
5 this email is an Excel file with the file name "Copy
6 of 2016-05-22 GNETS Fee Proposal"?

7 A Yes.

8 Q And then the second attachment is a Word
9 document with the file name "Edited Planning Meeting
10 Minutes 5.31.16"?

11 A Yes.

12 Q In this email Mr. Rowland says: "Ted,
13 attached will you find a copy of the fee proposal to
14 perform the facility condition assessments for the
15 48 GNETS locations identified in the RFQ. 2WR was
16 the most qualified firm, and the fee proposal they
17 have submitted is in line with what I expected. I
18 have also attached an update to my notes on how the
19 planning and execution has evolved."

20 Do you see that?

21 A I do.

22 Q What was your role with respect to the fee
23 proposal submitted by the firm 2WR?

24 A I don't recall specifically. It looks
25 like I would have reviewed it.

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1 Q Did you sign off on the fee proposal?

2 A I don't remember. For us to have engaged
3 them in work, we would have had to have a contract
4 of some sort, is my assumption. So there should
5 have been some sort of approval I provided to it at
6 some point.

7 Q At the end of his email to you, Mr.
8 Rowland says: "If you are ok with the fee proposal,
9 then I am ready to have GSFIC negotiate the
10 contracts necessary to meet 2WR's schedule."

11 Do you see that?

12 A I do.

13 Q So does that refresh your recollection as
14 to whether you would have okayed the fee proposal?

15 A Probably would have relied almost
16 exclusively on GSFIC to provide subject matter
17 expertise there. I would have, I think, still have
18 signed something at some point, but it would have
19 been after GSFIC and the vendor concluded their
20 negotiations.

21 Q And GSFIC here, just to be clear for the
22 record, is the same as the Georgia State Finance and
23 Investment Commission that you referenced earlier?

24 A That's correct.

25 Q And I believe you said earlier that

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1 sometimes GSFIC comes in and negotiates on behalf of
2 state agencies when the level of expertise is such
3 that it makes sense for GSFIC to do that?

4 A Yes.

5 Q Is that the reason why GSFIC would have
6 been involved here?

7 A Yes.

8 Q Turning to the fee proposal, which is
9 included, I'll note for the record that the file was
10 provided natively, though it is reproduced here in
11 paper, and it has a Bates stamp GA00279625.

12 Am I correct that this fee proposal
13 outlines the various fees that 2WR proposed to
14 charge for the work associated with the facility
15 assessment?

16 A It appears so.

17 Q And the total fee for the 48 sites was
18 just over half a million dollars; is that correct?

19 A Yes.

20 Q Did GaDOE ultimately work with 2WR to
21 assess the GNETS facilities?

22 A I don't recall.

23 Q Looking at the second attachment, which
24 has a beginning Bates number of GA00279626, are
25 these the updated notes that Mr. Rowland references

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1 approved?

2 A I assume so.

3 MS. GARDNER: I'd like to ask the court
4 reporter to mark this document as Plaintiff's
5 Exhibit 906.

6 (WHEREUPON, Plaintiff's Exhibit-906 was
7 marked for identification.)

8 BY MS. GARDNER:

9 Q You've been handed Plaintiff's Exhibit
10 906. This is an email from you to Larry Winter,
11 sent on September 28, 2017, with the subject
12 "Forward: Item Requested by Mr. Winter in Budget
13 Committee Meeting."

14 The email contains one attachment that is
15 a PDF document with the file name "Reimbursement for
16 therapeutic Counseling Services for GNETS Fiscal
17 Agent."

18 The Bates stamp on this document is
19 GA00284672.

20 Do you recognize this email?

21 A Not specifically.

22 Q Do you have any reason to doubt that you
23 sent this email to Mr. Winter?

24 A I do not.

25 Q Your email to Mr. Winter does not contain

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1 contracts that were funded by the Georgia Department
2 of Education?

3 A I don't recall.

4 Q Turning to the attachment, which is
5 Bates-stamped GA00284673, the title of this document
6 is "Georgia Department of Education FY 18 -
7 Therapeutic Services Reimbursement for GNETS Fiscal
8 Agents." Correct?

9 A Correct.

10 Q Does that indicate the Georgia Department
11 of Education was reimbursing therapeutic services
12 for fiscal agents?

13 A It appears to be.

14 Q And this attachment lists each of the
15 fiscal agents, the name of the GNETS program that
16 they are affiliated with, and the maximum amount of
17 the reimbursable amount for therapeutic services,
18 correct?

19 A It appears so.

20 Q Is this an example of one of the kinds of
21 follow-up questions that the Budget and Finance
22 Committee would have requested of GaDOE, and in this
23 case in particular the GNETS program?

24 A It is.

25 Q Given the timing of this email, is it your